



General Assembly

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Amendment

LCO No. 3884

SB0021203884SD0

Offered by:

SEN. FONFARA, 1st Dist.

REP. FONTANA, 87th Dist.

SEN. HERLIHY, 8th Dist.

REP. DELGOBBO, 70th Dist.

To: Subst. Senate Bill No. 212

File No. 49

Cal. No. 87

"AN ACT CONCERNING BIOMASS."

1 In line 29, strike "wood" and insert "waste, as defined in section 22a-
2 208x, as amended by this act," in lieu thereof

3 In line 31, before "growth", insert "old"

4 In line 32, strike "facility" and insert "biomass gasification plant" in
5 lieu thereof

6 In line 35, strike "and" and insert "or" in lieu thereof

7 In line 119, after "(3)" insert "for those renewable energy certificates
8 under contract to serve end-use customers in the state on or before
9 October 1, 2006,"

10 After the last section, add the following and renumber sections and
11 internal references accordingly:

12 "Sec. 501. Section 22a-208x of the general statutes is repealed and the
13 following is substituted in lieu thereof (*Effective October 1, 2006*):

14 (a) As used in this section and section 22a-208y, (1) "construction
15 and demolition waste" means waste building materials and packaging
16 resulting from construction, remodeling, repair and demolition
17 operations on houses, commercial buildings and other structures,
18 excluding asbestos, clean fill, as defined in regulations adopted under
19 section 22a-209, or solid waste containing greater than de minimis
20 quantities, as determined by the Commissioner of Environmental
21 Protection, of (A) radioactive material regulated pursuant to section
22 22a-148, (B) hazardous waste as defined in section 22a-115, and (C)
23 liquid and semiliquid materials, including, but not limited to,
24 adhesives, paints, coatings, sealants, preservatives, strippers, cleaning
25 agents, oils and tars; and (2) "processed construction and demolition
26 wood" means the wood portion of construction and demolition waste
27 which has been sorted to remove plastics, plaster, gypsum wallboard,
28 asbestos, asphalt shingles, regulated wood fuel as defined in section
29 22a-209a and wood which contains creosote or to which pesticides
30 have been applied or which contains substances defined as hazardous
31 waste under section 22a-115.

32 (b) Construction and demolition waste which does not constitute
33 processed construction and demolition wood may be disposed of at (1)
34 any solid waste disposal area for which a permit has been issued for
35 the disposal of bulky waste, or (2) a municipal solid waste landfill.
36 Processed construction and demolition wood may be disposed of at a
37 biomass gasification plant that qualifies as a Class I renewable energy
38 source, as defined in section 16-1 of the 2006 supplement to the general
39 statutes, a resources recovery facility in accordance with section 22a-
40 208y or at a permitted municipal solid waste landfill or any solid waste
41 disposal area for which a permit has been issued for the disposal of
42 bulky waste.

43 (c) Construction or demolition wood generated at a residence, other
44 than wood that has been pressure-treated or that otherwise contains

45 arsenic, furniture, mattresses and rugs or any such waste which has
46 been crushed, chopped, shredded or otherwise processed shall be
47 considered municipal solid waste and may be disposed of at any solid
48 waste disposal area for which a solid waste permit has been issued for
49 the disposal of bulky waste, [or] a biomass gasification plant that
50 qualifies as a Class I renewable energy source, as defined in section 16-
51 1 of the 2006 supplement to the general statutes, at a resources
52 recovery facility or municipal solid waste landfill.

53 Sec. 502. Section 22a-209a of the general statutes is repealed and the
54 following is substituted in lieu thereof (*Effective October 1, 2006*):

55 (a) As used in this section:

56 (1) "Recycled wood" means any wood or wood fuel which is derived
57 from such products or processes as pallets, skids, spools, packaging
58 materials, bulky wood waste or scraps from newly built wood
59 products, provided such wood is not treated wood;

60 (2) "Treated wood" means wood which contains an adhesive, paint,
61 stain, fire retardant, pesticide or preservative;

62 (3) "Processed wood" means recycled wood or treated wood or any
63 combination thereof which has been processed at a volume reduction
64 facility permitted under this chapter;

65 (4) "Regulated wood fuel" means processed wood from construction
66 and demolition activities which has been sorted to remove plastics,
67 plaster, gypsum wallboard, asbestos, asphalt shingles and wood which
68 contains creosote or to which pesticides have been applied or which
69 contains substances defined as hazardous under section 22a-115;

70 (5) "Combustible" means the heat-producing constituents of a fuel;

71 (6) "Combustion" means the rapid chemical combination of oxygen
72 with the combustible element of a fuel resulting in the production of
73 heat;

74 (7) "Fuel" means a substance containing combustibles used for
75 producing heat, light, power or energy;

76 (8) "Regulated wood fuel merchant" means any person who offers
77 for sale or sells, transfers, or provides in retail or wholesale trade,
78 regulated wood fuel, including agents, brokers, wholesalers,
79 distributors or producers who sell regulated fuel;

80 (9) "Regulated wood fuel user" means a biomass gasification plant
81 or a resources recovery facility, as defined in section 22a-207, that
82 stores or utilizes regulated wood fuel for the purpose of creating by
83 combustion heat, light, power or energy and combusts in excess of one
84 hundred million BTUs per hour; and

85 (10) "Biomass gasification plant" means a biomass gasification plant
86 that qualifies as a Class I renewable energy source, as defined in
87 section 16-1 of the 2006 supplement to the general statutes.

88 (b) Notwithstanding the provisions of this chapter, processed wood
89 is not a solid waste provided: (1) Such wood is received for use at a
90 biomass gasification plant or a resource recovery facility as a regulated
91 wood fuel; (2) such wood is used for land application in accordance
92 with standards for such use adopted by the Commissioner of
93 Environmental Protection in accordance with chapter 54; or (3) such
94 wood is used for building products or other uses in accordance with
95 any applicable state or federal standards.

96 (c) No person other than a regulated wood fuel user shall use or
97 burn regulated wood fuel. No regulated wood fuel user shall use or
98 burn (1) regulated wood fuel which contains nonwood material, other
99 than dirt or metal fasteners, unless such material comprises less than
100 one per cent, by dry weight, of such regulated wood fuel or (2) any
101 such fuel which contains more than fifteen one-hundredths of one per
102 cent, by dry weight, total chlorine. Any sampling or analysis to
103 determine the percentage of total chlorine or the amount of nonwood
104 material shall be provided for by the regulated wood fuel merchant
105 and shall be certified by such merchant as having met any standards or

106 methodologies for such sampling or analysis approved or required by
107 the commissioner. Notwithstanding any other provisions of this
108 section, any person who exclusively burns wood, other than regulated
109 wood fuel, as a fuel shall comply with the regulations adopted under
110 section 22a-174 for stationary sources of air pollution.

111 (d) No regulated wood fuel merchant shall store, offer for sale, sell,
112 make available, deliver for use or exchange in trade for use in this state
113 (1) regulated wood fuel which contains nonwood material, other than
114 dirt or metal fasteners, unless such material comprises less than one
115 per cent, by dry weight, of such regulated wood fuel, or (2) any such
116 fuel which contains more than fifteen one-hundredths of one per cent,
117 by dry weight, total chlorine.

118 (e) Any person who sells regulated wood fuel for use in this state or
119 who uses such fuel in this state shall maintain records of all sales or
120 use of such fuel which contains nonwood materials and such records
121 shall be made available for inspection by the commissioner, or his
122 designee, during regular business hours. Such records shall be
123 maintained for at least three years.

124 (f) Nothing in this section shall prohibit a biomass gasification plant
125 or a resources recovery [facilities] facility from accepting, processing
126 and combusting wood that is not hazardous waste or is not otherwise
127 prohibited by law."